

REMARKS

This Response is submitted in response to the Office Action mailed on November 6, 2002.

The Office Action rejects claim 8 under 35 U.S.C. §112 as being indefinite and Claim 12 was objected to, based upon an informality. In addition, Claims 1-5, 9-15, 17, 18, 21-24, and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,753,805 ("*Cherukuri*"). Claims 6, 7, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Cherukuri*. Claims 8, 16, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Cherukuri* in view of U.S. Patent No. 5,318,784 ("*Ream*"). Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Ream* in view *Cherukuri* or U.S. Patent No. 6,322,828 ("*Athanikar*"). In response, Claims 1, 8, 12, and 15 have been amended. Applicants respectfully submit that all of the above-mentioned rejections have been overcome or are improper for reasons set forth below.

At the outset, Claim 8 has been amended to provide proper antecedent basis for "the tableting powder." Moreover, Claim 12 has been amended to correct the informality cited by the Examiner. Accordingly, Applicants submit that all objections and rejections under 35 U.S.C. §112 have been overcome and should be withdrawn.

The present invention, as now claimed, provides a tableted chewing gum composition and methods of producing the same. The chewing gum composition includes a gum component including one or more gum chips, and a tableting media, wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips. The method for forming the chewing gum composition includes the steps of providing a gum component; processing the gum component to form one or more gum chips; mixing the gum chips with a tableting media; and processing the mixture of gum chips and tableting media to form the tableted gum, wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips. Support for the amendments may be found on page 5, lines 5-10 of the Application, thus no new matter has been added. Applicants respectfully submit that each of the cited references fails to teach or arguably suggest a number of the features of the claimed invention.

Cherukuri primarily relates to chewing gum formulations which include a blended mixture of chewing gum granules comprising gum bases, a grinding aid, a sweetening agent, and a compression aid, the grinding aid selected from the group consisting of alkali metal or alkaline earth metal phosphates, maltodextrins and mixtures thereof. See Col. 2, line 64 – Col. 3, line 3.

There is no teaching or suggestion relating to a tableted chewing gum composition which includes a gum component including one or more gum chips, as is the case with the present invention. In fact, *Cherukuri* only describes grinding gum components using a grinding aid. See

Col. 3, lines 9-13. Moreover, *Cherukuri* is also completely silent as to a chewing gum composition including a tableting media, wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips. Both of the above-mentioned features are specifically claimed in the invention. Therefore, Applicants respectfully submit that the rejection of Claims 1-5, 9-15, 17, 18, 21-24, and 26 under 35 U.S.C. §102(b) should be withdrawn.

Claims 6, 7, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Cherukuri*. As discussed in detail above, *Cherukuri* does not disclose or suggest all of the features of the claimed invention. Therefore, Applicants respectfully submit that finding the optimum amount of gum component and tableting media for the novel chewing gum compositions of the present invention would clearly require more than routine experimentation by one skilled in the art. Accordingly, Applicants respectfully submit that dependent claims 6, 7, and 25 are also clearly allowable and not subject to rejection under 35 U.S.C. §103(a).

Claims 8, 16, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Cherukuri* in view of *Ream*. Applicants respectfully submit that this rejection is improper.

As discussed in detail above, *Cherukuri* does not teach or suggest the present invention. Moreover, *Ream* does not remedy the deficiencies of *Cherukuri*. For example, *Ream* does not teach or suggest a chewing gum composition including a tableting media, wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips. This limitation is recited in each of the rejected claims in the instant case. Accordingly, Applicants respectfully submit that this rejection of the claims has been overcome and request withdrawal of the same.

Claims 1-26 are also rejected under 35 U.S.C. §103(a) as being unpatentable over *Ream* in view of *Cherukuri* or *Athanikar*. Applicants respectfully submit that this rejection is not proper.

As discussed in detail above, *Ream* does not teach or suggest the present invention. Neither *Cherukuri* nor *Athanikar* remedy the deficiencies of *Ream*. *Anthanikar* and *Cherukuri* do not disclose or suggest a chewing gum composition including gum chips and a tableting media, wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips. Moreover, *Anthanikar* teaches mixing an active ingredient with the powdered gum composition prior to tablet formation to produce a uniform and accurate mixture, thus teaching away from the present invention. See Col 4, lines 9-14. Accordingly, Applicants respectfully request that this obviousness rejection with respect to claims 1-26 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

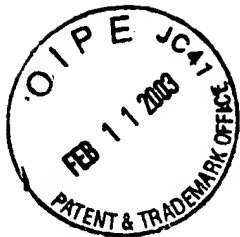
Robert M. Barrett

Reg. No. 30,142

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4204



VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend Claims 1, 8, 12, and 15 as follows:

RECEIVED
FEB 14 2003
TC 1700

1. (Amended) A tableted gum comprising:
a gum component including one or more gum chips; and
a tableting media wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips.
8. (Amended) The tableted gum of claim 7 wherein the tableting media comprises a tableting powder, the gum chips [are] being differently colored than the tableting powder.
12. (Amended) A gum comprising a mixture of gum chips and tableting media in a tableted form wherein the gum chips have an average particle size greater than [an] the average particle size of the tableting media.
15. (Amended) A method of producing a tableted gum comprising the steps of:
providing a gum component;
processing the gum component to form one or more gum chips;
mixing the gum chips with a tableting media; and
processing the mixture of gum chips and tableting media to form the tableted gum,
wherein the tableting media has an average particle size that is smaller in size than the average particle size of the gum chips.